

**City of Seattle – Seattle Public Utilities**

Seattle Municipal Tower (SMT)
700 Fifth Avenue, Suite 4900
P.O. Box 34018
Seattle, WA 98124-4018

File Number: 2010-013

Date: July 7, 2010

SEATTLE PUBLIC UTILITIES NOTICE OF VIOLATION AND ORDER FOR CORRECTIVE ACTION AND PENALTY

Name: Seattle Iron and Metals Corporation
Attn: Eric Paul

Address: 601 S Myrtle St
Seattle, WA 98108

On May 11, 2010, Seattle Public Utilities (SPU) collected sediment samples from two roofs (RD-1 and RD-2), the catch basin located in the employee parking lot (CB157), and the catch basin on S Myrtle St adjacent to the Seattle Iron and Metals driveway entrance (RCB189) during a joint inspection at Seattle Iron and Metals conducted with the U.S. Environmental Protection Agency (see attached map of sampling locations). Runoff from these areas discharges untreated to the City-owned storm drains on S Myrtle St and S Garden St. Preliminary laboratory results indicate that the samples contain elevated levels of metals and PCBs:

Pollutant (mg/kg)	Sampling Stations					Screening Criteria ^a	
	RD-1	RD-2	CB157F ^b	CB157S ^c	RCB189F ^b	SQS/LAET ^d	CSL/2LAET ^e
Copper	1,090	975	1,890	2,240	3,280	390	390
Lead	1,410	1,700	1,260	1,380	904	450	530
Mercury	0.92	2.56	0.80	1.55	0.66	0.41	0.59
Zinc	5,370	8,310	4,940	5,880	3,890	410	960
Total PCBs	1.93	4.87	2.96	4.02	2.95	0.13	1.0

- a. Criteria used to screen storm drain sediment for contaminants are based on the state sediment management standards (WAC 173-204)
- b. Sample collected from the filter sock installed in the catch basin
- c. Sample collected from the catch basin sump
- d. Sediment quality standard/lowest apparent effects threshold
- e. Cleanup screening level/second lowest apparent effects threshold

The catch basin located on the south side of S Myrtle St near the Seattle Iron and Metals main driveway also contained a large amount of sediment and there was dirt and debris along the south curb line of the roadway, indicating that dirt and debris tracked out onto the roadway from trucks leaving the site continues to be a problem and that current street sweeping practices are not adequate. SPU jetted and cleaned this catch basin and all of the storm drain lines and other catch basins on S Myrtle St, S Garden St, Fox Ave S, and 7th Ave S in December 2009-January 2010.

CODE VIOLATION:***a. SMC 22.802.020.A. Prohibited discharges***

The following common substances are prohibited to enter, either directly or indirectly, a public drainage system, a private drainage system, or a receiving water within or contiguous to Seattle city limits,

including but not limited to when entering via a service drain, overland flow, or as a result of a spill or deliberate dumping:

6. Chemicals not normally found in uncontaminated water.
23. Metals in excess of naturally occurring amounts, whether in liquid or solid form.

As explained above, SPU found elevated levels of metals and PCBs in the sediment samples collected on May 11, 2010 from the roof drains and employee parking lot drainage system that discharge untreated to the City-owned storm drains on S Myrtle St and S Garden St. These same contaminants were elevated in an earlier sample collected on September 9, 2008, from a maintenance hole on the S Myrtle St storm drain located immediately downstream of where the roof drain from the maintenance building enters the system, which indicates that these pollutants are entering the public storm drain system:

Copper:	500 mg/kg
Lead:	675 mg/kg
Mercury:	1.88 mg/kg
Zinc:	2,420 mg/kg
PCBs:	2,560 ug/kg dw

- b. SMC 22.803.040.A. Minimum requirements for source controls for all businesses and public entities**
Source controls shall be implemented to the extent allowed by law, by all businesses and public entities for specific pollution-generating activities as specified in the joint SPU/DPD Directors' Rule, "Source Control Technical Requirements Manual", to the extent necessary to prevent prohibited discharges as described in Subsection 22.802.020.A through Subsection 22.802.020.C, and to prevent contaminants from coming into contact with drainage water.

The July 10, 2009 corrective action letter from SPU identified track out as a problem and directed Seattle Iron and Metals to take action to eliminate track out of sediment/dirt from your facility. The elevated levels of contaminants recently found in the City-owned catch basin on S Myrtle St (RCB189) and the large volume of sediment that has accumulated in this structure in the 5 months since SPU last cleaned the system indicate that contaminated dirt and debris continues to be tracked onto the adjacent public right-of-way on S Myrtle St by trucks leaving the site and is adversely affecting City infrastructure. Dirt and debris were also observed along the south side of S Myrtle St immediately east of your driveway during the May 11, 2010 site visit, which indicates that sweeping practices have not been effective in keeping contaminated material from leaving the site and entering the City-owned storm drain system on S Myrtle St.

CORRECTIVE ACTION REQUIRED:

1. Take immediate action to reduce the amount of dirt and other debris tracked out onto S Myrtle St from trucks leaving the site by employing more aggressive street sweeping or other means.
2. By August 9, 2010:
 - Submit a plan to SPU describing how the illicit discharge from rooftops and the employee parking lot will be eliminated, including a description of how the amount of dirt and debris tracked out onto the City right-of-way will be controlled, as well as a long term monitoring plan to document that contaminated material does not discharge to the City storm drain system in the future.
 - Jet and clean the City storm drain lines and associated catch basins on S Myrtle St and S Garden St to remove all contaminated sediment.
3. By October 12, eliminate the illicit discharge.

PENALTY:

Pursuant to SMC 22.808.050, the penalty for the prohibited discharge has been assessed at \$500. This penalty is due within 30 days to the address provided on the attached invoice.

Pursuant to SMC 22.808.050, a penalty of \$1,500 is hereby imposed for failing to implement appropriate source controls as cited above. This penalty is suspended pending completion of the corrective action by the required deadline of, and will be waived if compliance is achieved by that deadline. If compliance is not achieved by the date set forth above, additional penalties may be assessed.

Beth, Schmoyer, Lower Duwamish Waterway source control lead	(206) 386-1199 Phone Number	beth.schmoyer@seattle.gov Email
Ellen Stewart, Source Control Supervisor	(206) 615-0023 Phone Number	ellen.stewart@seattle.gov Email

SEE REVERSE SIDE FOR INSTRUCTIONS

NOTICE OF VIOLATION AND ORDER CODE AUTHORITY
Stormwater Code Enforcement - Ch. 22.800-22.808 SMC

- 1) If you have questions or don't understand the violation or what is necessary to correct it, contact Seattle Public Utilities. You may call the Inspector whose name, phone number and email are on this notice.
- 2) The Notice of Violation and Order shall be final and not subject to further appeal unless an aggrieved party requests in writing a review by the Director within **ten (10) days** after service of the Notice of Violation and Order. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5:00 p.m. on the next business day. (SMC 22.808.030.D).

Send request to:

Ellen Stewart
Seattle Public Utilities
700 5th Avenue, Suite 4900
POB 34018
Seattle, WA 98124-4018

- 3) If a responsible party fails to correct a violation or pay a penalty as required by a Notice of Violation, or fails to comply with a Director's order, the Director shall refer the matter to the City Attorney's Office for civil or criminal enforcement action (SMC 22.808.030.E).
- 4) In addition to penalties, these violations and failure to complete the corrective work may result in responsible party liability for City costs of corrective action and abatement, investigation costs, costs to correct the violations or other cost expenses, and loss or damage incurred by the City, plus a surcharge of 15% for administrative costs, as set forth in SMC 22.808.050 -.060 and -.070.

PERMITS

If permits are required for compliance with this order, permitting information may be obtained at:

Side Sewer Permits:

Department of Planning and Development

Applicant Services Center

700 Fifth Avenue, Suite 2000 (20th Floor Seattle Municipal Tower)

Phone: 206-684-8850

Plumbing Permits:

Seattle/King County Public Health

401 5th Ave, Suite 1100 (11th Floor Chinook Building)

Phone: 206-296-1175

Please bring this document with you when applying for any permits. The date set for compliance in a Notice of Violation and Order takes precedence over work completion dates specified in any permit(s).

NOTICE OF VIOLATION AND ORDER PENALTY PAYMENT

See attached invoice for payment instructions.